

authorization and claims payment system issues that were reported by the managed care organization to the department as corrected, but reoccurred within 60 days of the reported correction.

2. The assessment of liquidated damages for the failure of a managed care organization to complete provider credentialing or to accurately load provider rosters as required in the contract.

DIVISION XXII

HEALTH DATA COLLECTION AND USE

Sec. 96. Section 135.166, subsection 1, Code 2019, is amended to read as follows:

1. *a.* The department of public health shall enter into a memorandum of understanding ~~to utilize the Iowa hospital association~~ with the contractor selected through a request for proposals process to act as the department's intermediary in collecting, maintaining, and disseminating hospital inpatient, outpatient, and ambulatory data, as initially authorized in 1996 Iowa Acts, ch. 1212, §5, subsection 1, paragraph "a", subparagraph (4), and 641 IAC 177.3.

b. The memorandum of understanding shall include but is not limited to provisions that address the duties of the department and the ~~Iowa hospital association~~ contractor regarding the collection, reporting, disclosure, storage, and confidentiality of the data.

Sec. 97. REQUEST FOR PROPOSALS PROCESS — TRANSITION. The department of public health shall continue the memorandum of understanding with the entity acting as intermediary on June 30, 2019, pursuant to section 135.166, until the contractor selected through a request for proposals process assumes the duties of intermediary on January 1, 2021, as specified under this division of this Act.

DIVISION XXIII

DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION

Sec. 98. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES ACT FUNDS FOR FAMILY PLANNING.

1. The department of public health shall annually apply to the United States department of health and human services for grant funding under Tit. X of the federal Public Health

Services Act, 42 U.S.C. §300 et seq. The department shall distribute all grant funding received to applicants in the following order of priority:

a. Public entities that provide family planning services including state, county, or local community health clinics, federally qualified health centers, and community action organizations.

b. Nonpublic entities that, in addition to family planning services, provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

c. Nonpublic entities that provide family planning services but do not provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

2. Distribution of funds under this section shall be made in a manner that continues access to family planning services.

3. a. (1) Distribution of funds under this section shall not be made to any entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed. However, the prohibition specified in this subparagraph (1) shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed.

(2) The department of public health shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as an applicant under this section, each distinct location of a nonprofit health care delivery system shall be assigned a distinct provider identification number and complete an attestation that abortions are not performed at the distinct location.

b. For the purposes of this section, "nonprofit health care delivery system" means an Iowa nonprofit corporation

that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

c. For the purposes of this section, "abortion" does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

4. Funds distributed in accordance with this section shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone and other utility costs, related to providing or promoting abortions as specified in this section.

5. The department of public health shall submit a report to the governor and the general assembly, annually by January 1, listing any entities that received funds pursuant to subsection 1, paragraph "c", and the amount and type of funds received by such entities during the preceding calendar year. The report shall provide a detailed explanation of how the department determined that distribution of funds to such an entity, instead of to an entity described in subsection 1, paragraph "a" or "b", was necessary to prevent severe limitation or elimination of access to family planning services in the region of the state where the entity is located.

**Sec. 99. ADMINISTRATION OF PERSONAL RESPONSIBILITY
EDUCATION PROGRAM AND SEXUAL RISK AVOIDANCE EDUCATION GRANT
PROGRAM FUNDS.**

1. Any contract entered into on or after July 1, 2019, by the department of public health to administer the personal responsibility education program as specified in 42 U.S.C. §713 or to administer the sexual risk avoidance education

grant program authorized pursuant to section 510 of Tit. V of the federal Social Security Act, 42 U.S.C. §710, as amended by section 50502 of the federal Bipartisan Budget Act of 2018, Pub. L. No. 115-123, and as further amended by division S, Title VII, section 701 of the federal Consolidated Appropriations Act of 2018, Pub. L. No. 115-141, shall exclude as an eligible applicant, any applicant entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed. However, the prohibition specified in this section shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides personal responsibility education program or sexual risk avoidance education grant program services but does not perform abortions or maintain or operate as a facility where abortions are performed.

2. The department of public health shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as an applicant, grantee, grantee contractor, or grantee subcontractor under the personal responsibility education program or sexual risk avoidance education grant program, each distinct location of a nonprofit health care delivery system shall be assigned a distinct identification number and complete an attestation that abortions are not performed at the distinct location.

3. For the purposes of this section, "nonprofit health care delivery system" means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

4. For the purposes of this section, "abortion" does not include any of the following:

a. The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

b. The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

Sec. 100. AWARD OF COMMUNITY ADOLESCENT PREGNANCY PREVENTION AND SERVICES PROGRAM GRANT FUNDS.

1. Any contract entered into on or after July 1, 2019, by the department of human services to award a community adolescent pregnancy prevention and services program grant using federal temporary assistance for needy families block grant funds appropriated to the department shall exclude from eligibility any applicant, grantee, grantee contractor, or grantee subcontractor that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed.

2. The eligibility exclusion specified in subsection 1 shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides community adolescent pregnancy prevention program services but does not perform abortions or maintain or operate as a facility where abortions are performed.

3. The department of human services shall adopt rules pursuant to chapter 17A to require that as a condition of eligibility as an applicant, grantee, grantee contractor, or grantee subcontractor under the adolescent pregnancy prevention and services program, each distinct location of a nonprofit health care delivery system shall be assigned a distinct identification number and complete an attestation that abortions are not performed at the distinct location.

4. For the purposes of this section, "nonprofit health care delivery system" means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

5. For the purposes of this section, "abortion" does not include any of the following:

a. The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

b. The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

Sec. 101. SEVERABILITY. If any provision of this division of this Act or the application of this division of this Act to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this division of this Act which can be given effect without the invalid provisions or application and, to this end, the provisions of this division of this Act are severable.

Sec. 102. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXIV

NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY OF CARE RATE ADD-ON PROGRAM

Sec. 103. Section 249L.2, subsections 7 and 8, Code 2019, are amended to read as follows:

7. "*Non-state government-owned nursing facility*" means a nursing facility that is owned or operated by a non-state governmental entity and for which a non-state governmental entity holds the nursing facility's license and is party to the nursing facility's Medicaid contract.

8. "*Nursing facility*" means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant